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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/941,832	10/01/97	CHACON	800000154

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EXAMINER JONES, H

ART UNIT 2763	PAPER NUMBER
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DATE MAILED: 12/03/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

08/941,832

Applicant(s)

Chacon

Examiner

Hugh Jones

Group Art Unit

2763



☒ Responsive to communication(s) filed on Nov 10, 1999

☒ This action is FINAL.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 1 and 4-36 is/are pending in the application

Of the above, claim(s) _____ is/are withdrawn from consideration

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1, 4, 5, 7, 9, 10, 13-16, 18, 20, 21, 23-28, 30, 32, 33, 35, and 36 is/are rejected.

☒ Claim(s) 6, 8, 11, 12, 17, 19, 22, 29, 31, and 34 is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 14 and 25 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Umeda et al. (U. S. Patent 5,544,348) or Seppanen (IEEE, 1993) or Wiwakanond et al. or Corbett et al..
3. Applicant is disclosing a virtual Kanban system, wherein said Kanban system is a function of processes, and a means for simulating said system.
4. Umeda et al. teaches simulation of a Kanban system. See entire disclosure and particularly: abstract; figs. 1-15; col. 1, lines 42-55; col. 3, lines 48-67; col. 3, lines 1-48; col. 10 lines 1-67; col. 18, lines 10-67.
5. Seppanen teaches: "Kanban Simulator using Siman and Lotus 1-2-3." See particularly: abstract; and pp. 838-844.
6. Wiwakanond et al. teach "Simulation of Electronics Manufacturing Systems with Two-Card Kanban." See particularly: entire disclosure.
7. Corbett et al. disclose a review of papers concerning simulations of scheduling systems, including Kanban systems. See particularly: abstract; sections 2-3, and list of references.

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Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 4-5, 7, 9-10, 13, 15-16, 18, 20-21, 23-24, 26-28, 30, 32-33 and 35-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over [Umeda et al. or Seppanen or Wiwakanond et al. or Corbett et al.] in view of official notice. [Umeda et al. or Seppanen or Wiwakanond et al. or Corbett et al.] do not explicitly teach a number of minor details concerning production lines and scheduling (including routing, capacity, type of information on the electronic Kanban, etc.); however, numerous patents are directed towards these details and official notice is taken that these details would have been obvious considerations to one of ordinary skill in the production and scheduling simulation arts at the time of the invention.

Allowable Subject Matter

10. Claims 6, 8, 11-12, 17, 19, 22, 29, 31 and 34 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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Response to Arguments

11. Applicant's arguments filed 11/10/99 have been fully considered but they are not persuasive. In response to Applicant's brief argument (page 14 of paper # 10) wherein, "...*none of the cited prior art references appear to teach or suggest a manufacturing execution system controlling a production line based on an electronic model, wherein feedback data is provided to the manufacturing execution system and made available to a simulating system for evaluating and amending the model on which the system operates ...*"; Applicant's attention is directed to the original art rejection. In any case, feedback is inherent in Kanban systems - this is what is meant by and is the motivation for using Kanban systems. Furthermore, any disclosure regarding simulation of a Kanban system would read on the independent claims. Finally, it is noted that there exists, in the prior art, teachings regarding the use of barcodes on items in production lines which are scanned at various workstations and which are used to control the operation of production equipment.

12. Applicant's arguments do not comply with 37 CFR 1.111(c) because they do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. Further, they do not show how the amendments avoid such references or objections.

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Conclusion

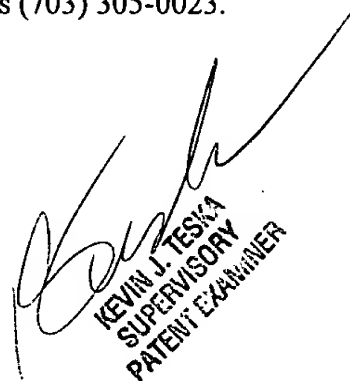
13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

14. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. Hugh Jones whose telephone number is (703) 305-0023.

Dr. Hugh Jones

November 28, 1999


KEVIN J. TESKA
SUPERVISORY
PATENT EXAMINER